

DECLARATION OF STEPHEN MEDLOCK

I, Stephen Medlock, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a partner at Vinson & Elkins, LLP and co-lead counsel for the Plaintiffs-Appellees/Cross-Appellants (“Plaintiffs”) in this case.

2. On Wednesday, January 8, 2025, this panel directed the parties to file simultaneous briefs setting forth their petitions on whether this case should be reheard en banc. The briefs are currently due January 29, 2025, which is 21 days from entry of that order.

3. The briefs were first due on January 29, 2025, and there have been no previous extensions.

4. Plaintiffs request a 30-day extension of time to file the briefs, up to and including February 28, 2025.

5. An extension is necessary because of a pending request for an indicative ruling in the district court, which may impact Plaintiffs’ position or arguments on rehearing en banc. On December 27, 2024, Plaintiffs filed a motion in the district court for relief from the judgment under Federal Rule of Civil Procedure 60(b). No. 17-cv-02366-BAS-KSC, ECF No. 842 (S.D. Cal.) (the “Rule 60(b) Motion”). The Rule 60(b) Motion explains that very few class members are currently seeking relief under the district court’s injunction, and that the purpose of the injunction has been satisfied and the injunction has achieved the equities it was intended to, such that continuing to enforce it is no longer equitable. The Rule 60(b) Motion seeks to relieve all parties of their obligations to identify new class members, and requests an indicative ruling because the trial court currently lacks jurisdiction to amend the injunction.

6. Defendants-Appellants/Cross-Appellees and Appellant/Cross-Appellee (the “Government”) have not yet taken a position on the Rule 60(b) Motion, and their response brief is

currently due January 31, 2025. No. 17-cv-02366-BAS-KSC, ECF No. 844 (S.D. Cal. Jan. 10, 2025) (setting deadlines). The position that the Government takes on the Rule 60(b) Motion may impact whether this case meets the criteria for rehearing en-banc. *See* Fed. R. App. P. 40(b). Thus, Plaintiffs request additional time for briefing in this Court so that they may address arguments related to the Government's position on the Rule 60(b) Motion.

7. Plaintiffs have exercised diligence and the brief will be filed within the time requested.

8. Plaintiffs conferred with the Government, and the Government takes no position on Plaintiffs' request, but if the Court extends the deadline, the Government requests it maintain the simultaneous briefing schedule.

9. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury under the laws of the United States of America that the preceding declaration is true and correct.

Executed on this 15th day of December, 2025 in Washington, DC.

/s/ Stephen M. Medlock

Stephen M. Medlock